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Rwanda: Military service laws, including age and conditions for recruitment; penalties for failure to report to duty and desertion; availability of rights for conscientious objection; military recruitment programs (2013-November 2016) [RWA105693.E]

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1. Overview

According to the US Central Intelligence Agency's *World Factbook*, Rwanda has voluntary military service and no conscription (US 23 Nov. 2016). Similarly, in correspondence with the Research Directorate, a representative of the International Fellowship of Reconciliation (IFOR), a global network of non-violence organizations (IFOR n.d.), stated that Rwandan legislation stipulates that military recruitment for the Rwanda Defence Forces (RDF), the National Police Force, and the Local Defence Forces (LDF) [1] is voluntary (ibid. 23 Nov. 2016). In correspondence with the Research Directorate, a former UK Foreign and Commonwealth Office senior research analyst whose work focused on East and Central African affairs, and who currently works as a consultant on security and defence in Africa, indicated that the RDF rely on voluntary recruitment (Consultant 27 Nov. 2016).

A 2008 submission to the UN Human Rights Commission by Conscience and Peace Tax International (CPTI) [2], states that "Rwanda has never used conscription in order to recruit its national armed forces" (CPTI 18 Aug. 2008).

2. Military Service Legislation and Conditions for Recruitment

According to the IFOR representative, "military recruitment is governed by Law 19/2002 of 17th May 2002 establishing the Rwanda Defence Forces (RDF)," and Law 25/2004 of 19 November 2004 on "the [c]reation, [o]rganization and [f]unctioning of the local service in charge of assisting in the maintenance of security known as 'Local Defence', which regulates the [LDF]" (IFOR 23 Nov. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Rwanda Defence Forces

Law 19/2002 Establishing the Rwanda Defence Forces states the following:

Chapter 1. General Provisions

...

Article: 3

The Rwanda Defence Forces are a Professional Army. Any Rwandan citizen may be voluntarily recruited into the Rwanda Defence Forces on condition that he/she meets the requirements as per specific statutes governing the Defence Forces without any Discrimination. (Rwanda 2002a)

Presidential Order No. 72/01 Establishing Army General Statutes also stipulates the following:

Article: 5

For any body [sic] to qualify for recruitment into the Rwanda Defence Forces, he following [sic] conditions:

1. To be a citizen of Rwanda;
2. To join on his own and free will;
3. To be physically fit;

4. To be at least 18 years old minimum.
5. To hold not past criminal conviction of six months or more;
6. To hold relevant academic qualifications corresponding to the level of recruitment;
7. To fulfill all other conditions as required by the National Service Law;
8. To successfully pass the recruitment test;
9. To have moral integrity and good conduct. (ibid. 2002b)

Information on the National Service Law could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Military Recruitment Programs

Information on military recruitment programs, including forced recruitment, was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the consultant, recruitment for the military is run by the Ministry of Defence and that ministry runs recruitment activities "aimed at Rwandans from all walks of life" (Consultant 27 Nov. 2016). The same source stated that Ministry of Defence has recruiters "at various levels down to the village/*umudugudu* level" who seek to "attract people into the military through an office or by engaging civilians in recruitment campaigns" (ibid.). He added that, to his knowledge, military recruiters go to "universities and other places" to recruit qualified individuals for officer positions (ibid.).

The consultant further indicated that the RDF also draws recruits from "*ingando* camps, which are compulsory for all school leavers and provide political education on the history and situation of Rwanda" (ibid.). Programming at the *ingando* camps includes "basic military activities such as drills" (ibid.). The US *Country Reports on Human Rights Practices for 2015* similarly states that in Rwanda, there are "mandatory '*ingando*' civic and military training camps [for youth] held after secondary school graduation" (US 13 Apr. 2016, 23). For further information on *ingando* camps, see Response to Information Request RWA104999 of November 2014.

The consultant indicated that, to his knowledge, forced recruitment does not happen in the regular armed forces, including special units (Consultant 27 Nov. 2016).

4. Penalties for Desertion and Failure to Report for Duty

4.1 Legislation

The *Organic Law Instituting the Penal Code* of Rwanda states the following:

Article 719: Abandonment of post and disobeying instructions

Any soldier who abandons a post or disobeys instructions while on guard duty shall be liable to a term of imprisonment of two (2) months but less than (6) months.

If he/she commits such acts in wartime, he/she shall be liable to a term of imprisonment of one (1) year to two (2) years.

If he/she commits such acts in the face of the enemy, he/she shall be liable to a term of imprisonment of ten (10) years to fifteen (15) years.

...

Article 722: Service abandonment

Any soldier who is absent from work without authorization while off duty, shall be liable:

1. in peacetime, to a term of imprisonment of one (1) month but less than six (6) months;
2. in wartime, to a term of imprisonment of one (1) year to two (2) years.

If the offender is a post commander, he/she shall be liable to the maximum penalty.

Any offender may be liable to a term of imprisonment of ten (10) years to fifteen (15) years if he/she abandons the post in the face of the enemy.

...

Article 735: Desertion by an officer

Any officer who:

1. leaves his/her unit for more than six (6) days or the territory of Rwanda without authorisation in wartime;
2. leaves his/her unit for more than one (1) month or the territory of Rwanda without authorisation and remains absent for more than fifteen (15) days in peacetime; shall be liable to a term of imprisonment of one (1) year to three (3) years.

If an officer:

1. deserts with military firearm, aircraft, boat or vehicle;
2. deserts when he/she is on patrol, watch, guards a post or carries out any other armed service;

shall be liable to a term of imprisonment of more than five (5) years to seven (7) years.

Article 736: Unauthorized extension of leave by an officer

Any officer who is on official leave or permission who does not return to his/her unit for more than six (6) days in wartime, or one (1) month in peacetime, after the expiry of his/her leave or permission or after is ordered to return to duty shall be liable to imprisonment of one (1) year to two (2) years.

Article 737: Desertion in peacetime by a non officer

Any non officer who, in peacetime:

1. leaves his/her unit or detachment for more than fifteen (15) days without authorization;
2. has permission but does not return to his/her unit for more than one (1) month after the expiry of his/her leave or permission or after is ordered to return to duty;

shall be liable to a term of imprisonment of six (6) months to one (1) year.

Article 738: Aggravating circumstances for desertion of a soldier with a lower rank than an officer

If the offender:

1. was sentenced for desertion;
2. deserts in concert with a comrade;
3. crosses the boundaries of the Rwandan territory;
4. uses a forged or altered authorization of leave or permission;
5. deserts for more than six (6) months;

he/she shall be liable to a term of imprisonment of one (1) year to two (2) years.

If a soldier deserts:

1. with military firearm, aircraft, boat or vehicle;
2. when he/she is on patrol, watch, guards a post or carries out any other armed service;

the penalty under Paragraph One of this Article shall be doubled.

Article 739: Desertion in wartime by a non officer

Any soldier non officer who leaves for six (6) days or has permission or is on leave but does not return to his/her unit for six (6) days, after the expiry of his/her leave or permission or after is ordered to return to duty shall be liable to a term of imprisonment of two (2) years to three (3) years.

In case of aggravating circumstances, the offender shall be liable to double of the penalties under Paragraph One of this Article.

...

Article 742: Desertion in the face of the enemy

Any soldier who deserts in the face of the enemy shall be liable to a term of imprisonment of seven (7) years to ten (10) years if he/she is an officer and of more than five (5) years to seven (7) years if he/she is non officer.

Article 743: Deserting to the enemy

Any soldier who deserts to the enemy shall be liable to a term of imprisonment of ten (10) years to fifteen (15) years. (Rwanda 2012)

4.2 Implementation of Legislation and Treatment of Deserters

The consultant stated that

jail time is a common punishment for failing to report for duty or desertion. Punishments are decided by specific commanders of a unit, which is recorded up the hierarchy. Higher level and more serious misdemeanours are dealt with by a disciplinary committee. In the most severe cases of desertion, and in particular defection or some serious political issues there may be more targeting of an individual. (Consultant 27 Nov. 2016)

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In February 2013, the BBC cited an "alleged deserter," as stating that the Rwandan military was holding over 280 troops accused of desertion on an island in Lake Kivu, who were prevented visits from the Red Cross, with "many ... held for up to four years without trial and without visitors" (BBC 21 Feb. 2013). The same source cites Rwandan Brigadier General Joseph Nzabamwita denying the allegations, and stating that the troops were not detained but undergoing re-education (ibid.). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Conscientious Objection

According to the IFOR representative, there is no national legislation recognising the right of conscientious objection (IFOR 23 Nov. 2016). The consultant similarly indicated that "no laws or regulations exist [on conscientious objection] and any objection to orders as a serving officer is treated as breaking the military code or disobeying an order" (Consultant 27 Nov. 2016).

Information on incidents related to treatment of conscientious objectors in the military could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The CPTI report indicates that "both conscription and conscientious objection have been reported ... with regard to the [LDF]," where recruitment carried out by local authorities was "mostly voluntary," but some local authorities "have reportedly resorted to conscription" (CPTI 18 Aug. 2008). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Law 25/2004 of 19 November 2004 *Establishing and Determining the Organisation and Functioning of the Local Service in Charge of Assisting in Maintenance of Security Referred to as "Local Defence"* states the following:

Article: 8

The Cell Council determines the number and selects members of the service of Local Defence.

Article: 9

A member who is selected to be in the service of Local Defence shall be:

1. of a Rwandan nationality;
2. a person of integrity;
3. at least of 18 years of age;
4. well known by the residents of that Cell in which he or she also resides;
5. capable and willing to perform such duties. (Rwanda 2004)

Sources indicate that in 2014, the LDF were replaced by the District Administration Support Service Organ (DASSO) (ibid. 24 June 2014; *The New Times* 6 Sept. 2014).

Presidential Order No. 101.01 of 18/06/2014 Establishing the Statutes for the District Administration Security Support Organ states the following:

Article 3: Recruitment into DASSO

The recruitment into DASSO shall depend on the required number determined by the District Executive Committee, in accordance with the District's financial capacity and structure.

DASSO member signs a contract of five years (5) renewable.

Article 4: Requirements for being admitted in DASSO

Any person to be admitted in DASSO, must meet the following conditions:

1. to be of Rwandan nationality;
2. to voluntary apply;
3. to be at least eighteen (18) years old and not more than thirty-five (35) years old. For persons with special skills, this age can be increased by the responsible organs if deemed necessary;
4. to have good conduct and morals;
5. Not to have been definitely sentenced to a term of imprisonment equal to or exceeding six(6) months;
6. To hold at least a Certificate of Secondary Education. However, a person who completed an Ordinary level studies and who has special security skills can be recruited into DASSO;
7. to be healthy and strong enough to work in DASSO, as supported by a medical certificate issued by an authorized medical Doctor;
8. Not to have been dismissed definitively from public service without notice;
9. to have passed recruitment tests into DASSO or to present a particular certificate testifying that he/she has successfully completed duties which shall be almost similar to DASSO's services in Rwanda. (Rwanda 2014)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] CPTI describes the LDF as "armed militias set up with government support in communities" (CPTI 18 Aug. 2008).

[2] According to its website, CPTI is a Belgium-based international non-profit association working towards "recognition of the right to conscientious objection to paying for armaments and war preparation and war conduct through taxes" which also "may support" conscientious objectors (CPTI n.d.).

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Internet sites, including: Africa Center for Strategic Studies; *Africa Confidential*; AllAfrica; Amnesty International; ecoi.net; Egmont Institute; Factiva; Fédération internationale des ligues des droits de l'homme; Freedom House; Geneva Centre for the Democratic Control of the Armed Forces; Institute for Security Studies; IRIN; *Jane's Intelligence Review*; News of Rwanda; Norway – Landinfo; Observatoire de l'Afrique; *Political Handbook of the World*; *The Rwandan*; Rwandan News Agency; UN – Office of the High Commissioner for Human Rights, Refworld; War Resisters International.

ecoi.net summary:

Query response on military service laws (2013 - November 2016)



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